

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: DAVID ANTHONY WALKER,
DEBTOR(S)

CHAPTER 13 BANKRUPTCY
CASE NO. 23-51276-KMS

DAVID RAWLINGS, TRUSTEE

**TRUSTEE'S RESPONSE TO
MOTION TO MODIFY PLAN**

COMES NOW, the Chapter 13 Trustee, David Rawlings, by and through his attorney, and files this Response to the Debtor's Motion to Modify Plan (Docket No. 35), and says that the Confirmed Plan provides for the payment of a value of \$8,410.50 on OneMain's claim, which is secured by a 2015 Dodge Ram (not a 910 vehicle); a Claim in the amount of \$15,845.82 was filed; the Trustee has NOT received the insurance proceeds (\$8,268.98) on the subject vehicle from Gainsco Insurance Company; creditor should release the vehicle's title to said insurance company upon payment of the Secured Claim, as set out herein; there is currently a balance due on said Secured Claim in the amount of \$4,193.74 (plus 10% interest) remaining to be paid by the Trustee; the insurance proceeds may or may not be sufficient to pay the balance of this Secured Claim in full; the Trustee seeks Court approval to pay the unpaid balance (or as much thereof as possible) of this Secured Claim from the insurance proceeds, plus interest, all in accord with regular Plan receipts, and if the insurance proceeds are not sufficient, reclassify the remaining unpaid balance

of said Secured Claim as unsecured; Local Rule 3015-1(h)(1) ¹ requires an Amended Schedule I and J before the Plan payment can be lowered.

Respectfully submitted,

DAVID RAWLINGS, TRUSTEE

BY: /s/Samuel J. Duncan
Samuel J. Duncan,
His Attorney

Samuel J. Duncan
Attorney for Chapter 13 Trustee
Post Office Box 566
Hattiesburg, MS 39403-0566
Telephone: (601) 582-5011
Miss. Bar No. 6234

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have on this day forwarded a true and correct copy of the foregoing Response, via the Court's ecf filing system, to: the US Trustee, 501 East Court Street, Suite 6-430, Jackson, Mississippi 39201; and TC Rollins Jr.

So certified on this the 2nd day of June, 2025.

/s/Samuel J. Duncan
Samuel J. Duncan

¹ **(h) Modification of plan after confirmation.**

(1) Requirement for amended Schedules I and J.

If a debtor in a chapter 12 or a chapter 13 case files a request to modify a confirmed plan pursuant to sections 1229 or 1329 based in whole or in part upon a change in the amount of the debtor's income or expenses, the debtor shall file amended Schedules I and J evidencing such change in financial circumstances contemporaneously with the Notice of Modification.